



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR AGENDA

Newport Beach City Hall
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, June 13, 2013 – 3:30 p.m.

Brenda Wisneski, Zoning Administrator

Staff Members:

Jason Van Patten, Planning Technician
Rosalinh Ung, Associate Planner
Makana Nova, Assistant Planner

A) CALL MEETING TO ORDER

B) MINUTES OF MAY 30, 2013

C) PUBLIC HEARING ITEMS

Item No. 1. Port Edward Circle Lot Line Adjustment No. LA2013-002 (PA2013-042)
1985 and 1991 Port Edward Circle Council District 5

Summary: A lot line adjustment to adjust the interior boundary between two contiguous lots to accommodate a future addition to an existing residence. Land taken from 1985 Port Edward Circle will be added to the adjacent lot at 1991 Port Edward Circle. There will be no change in the number of lots. The property is located in the PC-3 (Harbor View Hills) District.

Recommended

Action: 1) Conduct public hearing; and
2) Adopt Resolution No. ____ approving Lot Line Adjustment No. LA2013-002 subject to the recommended findings and conditions.

CEQA

Compliance: The project qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).

Item No. 2. Uptown Newport Parcel Map No. NP2013-010 (PA2013-085)
4311 and 4321 Jamboree Road, N/S of Jamboree Road between Birch Street and MacArthur Boulevard Council District 3

Summary: A Tentative Parcel Map for a subdivision of the existing two (2) parcels into four (4) parcels for future conveyance purposes. No development or improvements are proposed as a part of this application. The property is located in the Uptown Newport PC District.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator's agenda be posted at least seventy-two (72) hours in advance of each regular hearing and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the Community Development Department at least forty-eight (48) hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible at 949-644-3200.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Parcel Map No. NP2013-010 subject to the recommended findings and conditions.

CEQA

Compliance: All significant environmental concerns for the proposed project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), and that the City of Newport Beach intends to use said document for the above noted project, and further that there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov/cegadocuments.

Item No. 3. Smith Residence Remodel - Modification Permit No. MD2013-009 (PA2013-094)
220 Ruby Avenue Council District 5

Summary: A modification permit to enclose an existing 13-foot wide exterior staircase that would encroach 2 inches into the required 3-foot northerly side yard setback. The property is located in the R-BI (Residential-Balboa Island) District.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Modification Permit No. MD2013-009 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Structures).

Item No. 4. Back Bay Tavern Minor Use Permit - Amendment No. 1 of Minor Use Permit No. UP2012-006 (PA2013-087)
415 Newport Center Drive Council District 5

Summary: Amendment No. 1 of Minor Use Permit No. UP2012-006 to expand the hours of operation for one of two restaurants, the Back Bay Tavern, within Whole Foods Market from 9:00 a.m. to 11:00 p.m. The current hours of operation are from 11:00 a.m. to 10:00 p.m. The restaurant currently operates with a Type 47 (On-Sale General for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) license. Alcohol is served at two dining locations within the store. The property is located in the PC-56 (North Newport Center Planned Community) District.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Amendment No. 1 of Minor Use Permit No. UP2012-006 subject to the recommended findings and conditions.

CEQA

Compliance: This action is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA Guidelines). It can be seen with certainty that there is no possibility that changing the allowed hours of operation at an existing restaurant will have a significant effect on the environment. Therefore, this activity is not subject to CEQA.

D) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Zoning Administrator. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Zoning Administrator has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

E) ADJOURNMENT

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

The agendas, minutes, and staff reports are available on the City's web site at: www.newportbeachca.gov/zoningadministrator and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.